



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 9, 1996

Ms. Mercedes Leal
Senior Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR96-0512

Dear Ms. Leal:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39355.

Harris County (the "county") received a request for "a written copy of the report concerning [the requestor's] animal which was cited on February 20, 1996." You claim that a portion of the requested information is excepted from disclosure under the informer's privilege incorporated by section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the information at issue.

You assert that the requested information is excepted under section 552.101 as information protected by the "informer's privilege." The informer's privilege is actually a governmental entity's privilege to withhold from disclosure the identity of those persons who report violations of law. The privilege recognizes the duty of citizens to report violations of law and, by preserving their anonymity, encourages them to perform that duty. *Roviaro v. United States*, 353 U.S. 53, 59 (1957). The informer's privilege protects the identity of a person who reports a violation or possible violation of law to officials charged with the duty of enforcing the particular law. See Open Records Decision Nos. 515 (1988), 191 (1978). This may include enforcement of quasi-criminal civil laws. Open Records Decision Nos. 515 (1988) at 3, 391 (1983) at 3. This office has held that the informer's privilege also applies when the informer reports violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 515 (1988) at 2 (quoting Open Records Decision No. 279 (1981) at 2). The privilege may protect the informer's identity and any portion of his statement that may tend to reveal his identity. Open Records Decision No. 515 (1988) at 2.

You state that the county's Rabies/Animal Control Office is responsible for enforcing the Rabies Control Act of 1981, the rules of the Texas Board of Health which

comprise the minimum standards for rabies control, the Harris County rules to control rabies, and the rules adopted by the Texas Board of Health under the quarantine provisions of the Rabies Control Act of 1981. You also state that violation of the county's Rabies/Animal Control rules is a class C misdemeanor. We conclude that, as the complainant reported a violation of the law to the Rabies/Animal Control Office, an agency that is authorized to enforce the applicable law, information identifying the complainant is protected from disclosure under the informer's privilege that falls within section 552.101 of the Government Code. Therefore, we agree that the highlighted information may be withheld. We caution, however, that the county may not withhold a complainant's identity if the individual who would have cause to resent the communication knows the complainant's identity. See Open Records Decision No. 202 (1978) at 2 (quoting *Roviaro v. United States*, 353 U.S. 53, 60 (1957)).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 39355

Enclosures: Marked documents

cc: Ms. Connie Crabb
9311 Goodmeadow
Houston, Texas 77064
(w/o enclosures)